

United States District Court
Southern District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

NOV 22 2000

Michael N. Milby
Clerk of Court

EDWARD ALCALA, et al.,

§

Plaintiffs,

§ CIVIL ACTION NO.

vs.

ALEX PEREZ, in his official capacity as
Sheriff of Cameron County, Texas and
Cameron County, Texas,

§
§
§
§
§
§ B-96-203

Defendants.

§

PLAINTIFFS' UNOPPOSED MOTION TO REINSTATE

Plaintiffs hereby move to reinstate Jose Garcia Longoria, Jr., Social Security No. 462-61-7186, and in support of said motion, plaintiffs would respectfully show the following:

1. Plaintiff Jose Garcia Longoria, Jr. was originally a plaintiff in the above numbered cause. He is a resident of La Feria, Cameron County, Texas.
2. Plaintiff Longoria's answers to interrogatories were inadvertently not mailed before the answer due date through no fault of his own. Plaintiff Longoria turned in his answers to interrogatories in September of 1998 prior to the time that the Court dismissed Mr. Longoria from the lawsuit for failing to answer these interrogatories. Through no fault of his own, Mr. Longoria appeared to be late in answering his interrogatories.

WHEREFORE, plaintiff prays and defendant does not oppose the reinstatement of Mr. Jose Garica Longoria, Jr. to this lawsuit.

Respectfully submitted,

BY: 

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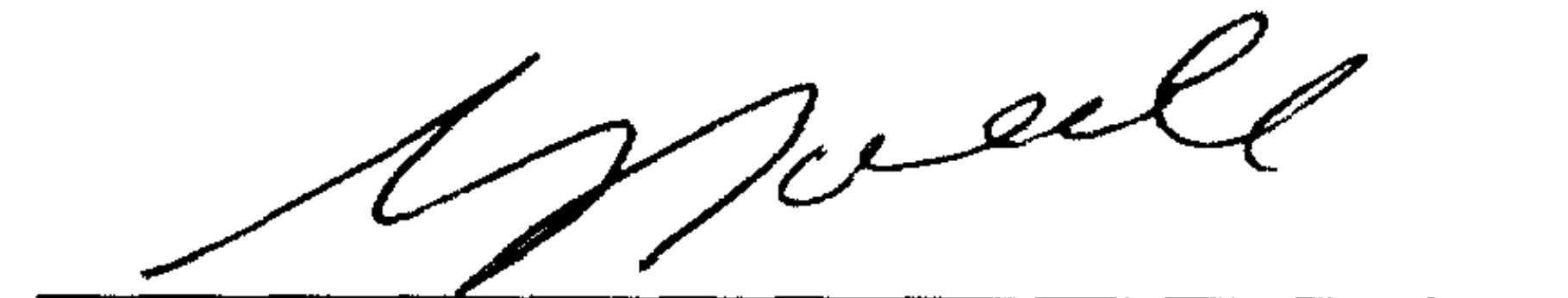
Certificate Under Rule 6(b)

On November 6th, 2000, James A. Herrmann spoke to Richard Burst, counsel for the defendant, and asked if he opposed this motion and Mr. Burst said he did not oppose the motion.

CERTIFICATE OF SERVICE

I, GEORGE P. POWELL, do hereby certify that on this the 6th day of November, 2000, I caused to be mailed a true and correct copy of Plaintiffs' Unopposed Motion to Reinstate Plaintiff Jose Garcia Longoria, Jr. and proposed Order to defendants' attorney of record:

Mr. Richard O. Burst
Legal Division Commissioners' Court
964 E. Harrison St.
Brownsville, TX 78520



GEORGE P. POWELL

State of Texas

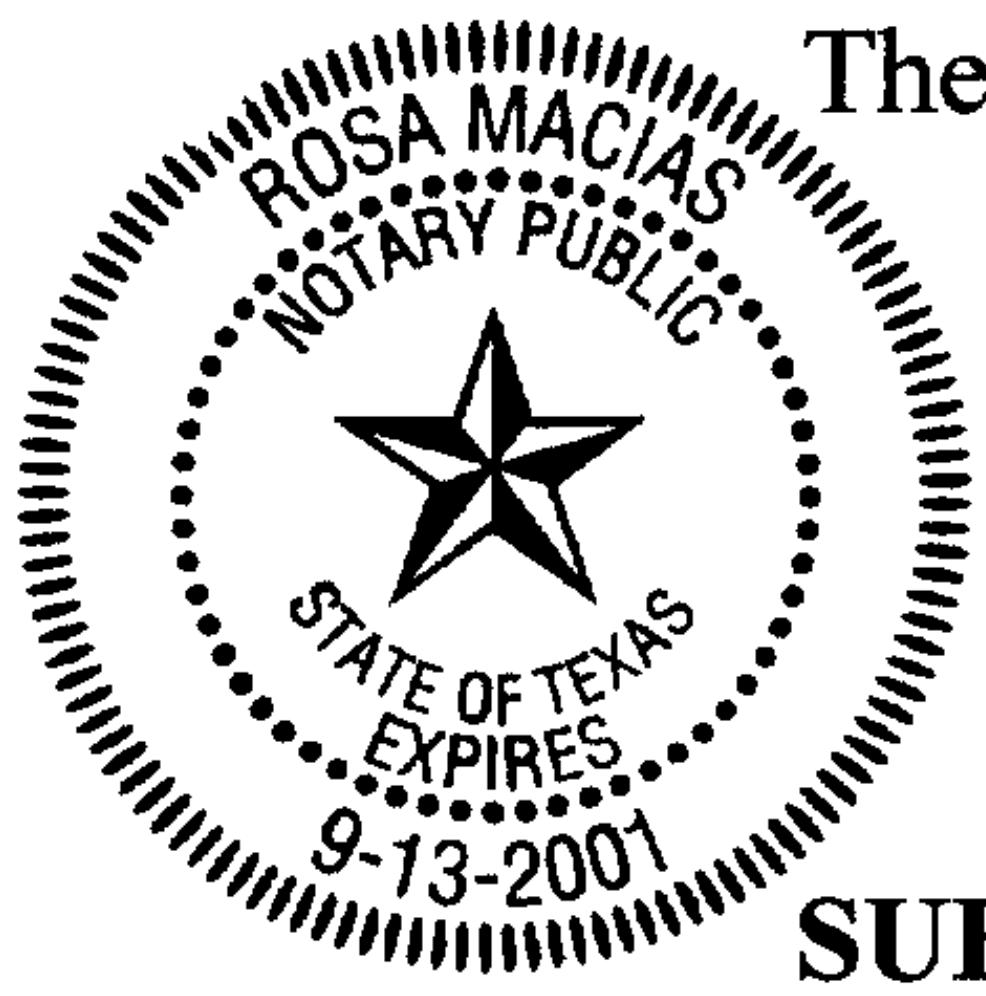
§
§
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County of Cameron

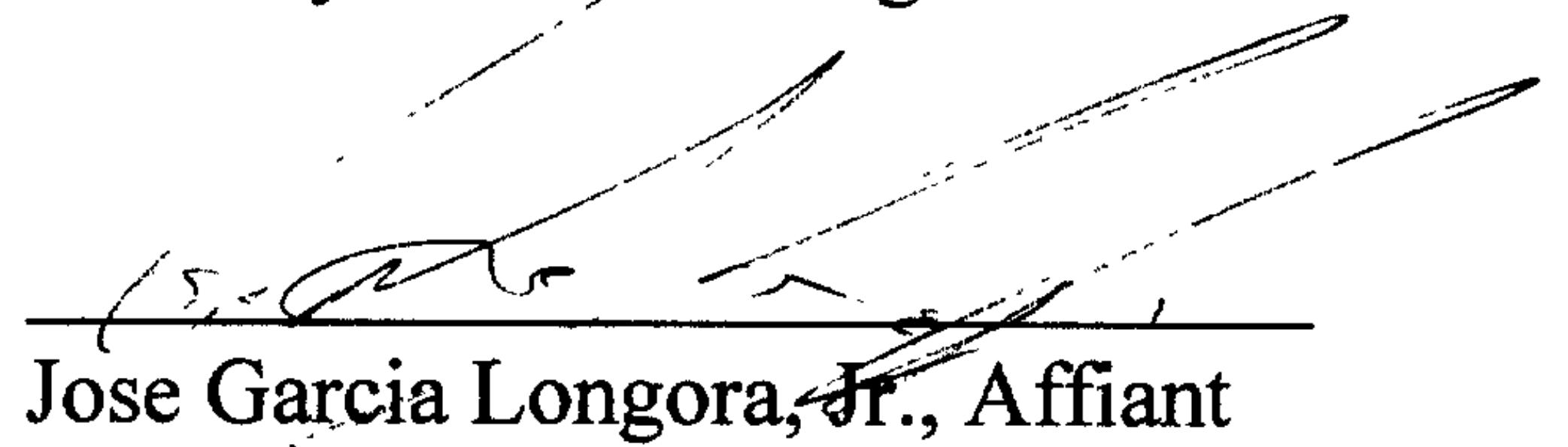
Before me, the undersigned authority, on this day personally appeared Jose Garcia Longoria, Jr., who, by me, being first duly sworn upon oath, deposed and stated the following:

My name is Jose Garcia Longoria, Jr., Social Security No. 462-61-7186. I am over the age of 18 and competent to make this Affidavit. I am a resident of La Feria, Cameron County, Texas. I was a plaintiff in the lawsuit against Cameron County for overtime wages. *Alcala, et al. vs. Alex Perez*, C.A. No. B-96-203.

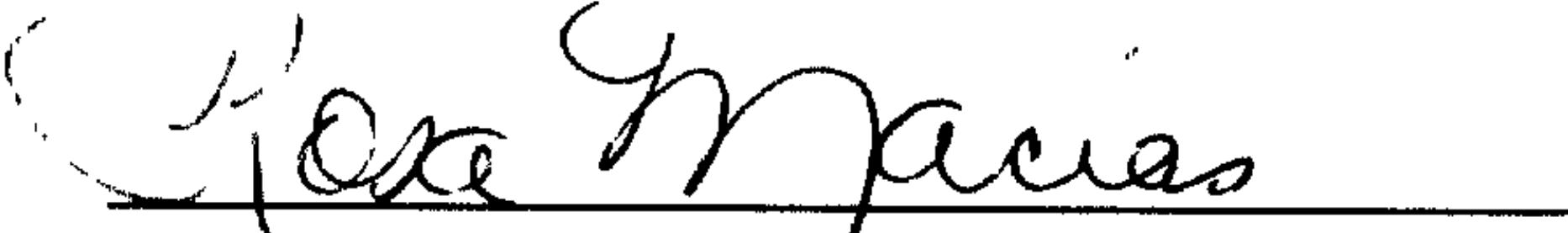
During the period of time that the defendant sent interrogatories and requests for production of documents I was in the process of leaving to a training at the academy in Georgia through my employment with the Immigration and Naturalization Service and I submitted my answers to the defendant's discovery to Patricia Hernandez' office prior to leaving to Georgia. Through no fault of my own, said answers were submitted late for filing.



The above information is true and correct to my own knowledge.


Jose Garcia Longoria, Jr., Affiant

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, by the said Jose Garcia Longoria, Jr., on this the 3rd day of November, 2000, to witness my hand and official ^{seal} of office.


Rosa Macias
Notary Public in and for the
State of Texas